

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11-6-09

OLIVER,

Plaintiff,

07 Civ. 7196 (JGK)

- against -

ORDER

BANK OF NEW YORK,

Defendant.

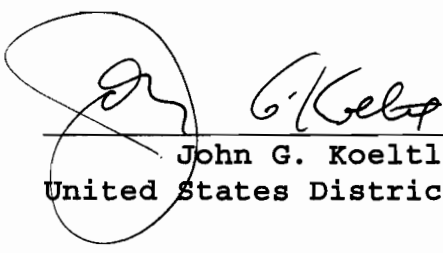
JOHN G. KOELTL, District Judge:

The Court has received the plaintiff's motion for summary judgment, which it now forwards to the parties. The purported motion for summary judgment is deficient because it lacks any supporting affidavit or other evidence showing that the plaintiff is entitled to judgment in her favour. It also lacks a statement of undisputed fact pursuant to Local Rule 56.1. Therefore, the motion for summary judgment is **denied without prejudice**.

However, the plaintiff's motion also appears to be responsive to the defendant's motion to dismiss, and the Court will treat it as such. The defendant's reply, if any, is due **November 30, 2009**.

SO ORDERED.

Dated: New York, New York
November 5, 2009


John G. Koeltl
United States District Judge

NOTICE OF MOTION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Marcia S Oliver, X

Plaintiff,

-against-

Bank of New York, X

Defendants.

NOTICE OF MOTION

07 Civ. JGK (719)

Motion for Summary Judgment
and extra ordinary relief

SIRS:

PLEASE TAKE NOTICE that upon the annexed affidavit or affirmation of Service of Copy of Letter
sworn to or affirmed On Nov 2nd, 2009 and upon the complaint herein, plaintiff will move this
Court, _____, U.S.D.J., in room _____, United States Courthouse, New York, New
York 10007, on the 2nd day of November, 2009, at _____ or as soon thereafter as counsel
can be heard, for an order pursuant to rule _____ of the Federal Rules of Civil Procedure granting:

Filing motion for Summary Judgment to provide
for extraordinary relief. Haladol Shots (injections) by medical
mental condition has to be given home if I from Montefiore
have no home I have to or may end up in Hospital
Psychiatric hospital permanently as I was placed
on in home visits to get injections to prevent relapse
and permanent residence in psychiatric hospital

Dated: 2nd November 2009.

Marcia S Oliver

Plaintiff Pro Se

C/O Joan S Oliver

Address

3225 Parks ide Place # 2A

City, State, Zip Code

Bronx NY 10467

718 547 9815

Phone Number

Brief

UNITED STATES DISTRICT COURT

Marcia S Oliver, Plaintiff
VS

Reply ~~and~~ to notice Failure to Prosecute etc.
Motion for Summary Judgment & extraordinary
Case# Civ. JGK 7196 relief

The Bank of New York, Defendant (s)

Greetings,

Pro se plaintiff was hospitalized at Montefiore Medical Center from August 28, 2009 through October 16th, 2009 due to stress and mental condition. She is apologizing to the both the courts and to counsel for not responding. *to ANY correspondences during that period. None was received except for notice responding to above.*

Pro Se Plaintiff has established a Prima Facie case almost "text book like" proving with documents to the courts how and why she feel she was discriminated against and is entitled to monetary damages for the defendants actions. All include the disparate impacts, intentional discrimination, willful discriminations and all that applies to *reverse discrimination*, plaintiffs complaints filed earlier with the courts.

Plaintiff may have failed to disclose in her complaints earlier that she was protected as she was Jamaican and black.

There are no issues of "material" fact requiring a review of facts and award judgment at this time. On August 19, 2008 the Hon. Judge John Koeltl presiding over this matter saw grounds for the suit and it was agreed before him by both parties to mediate this matter as all issues are eligible.

1. Case would have been fully prosecuted and is an oversight by the courts as plaintiff requested an attorney to prosecute. Please check. Plaintiff is swearing by this statement. She continues to ask and constantly shes being denied an attorney.

2 Applying the law to the undisputed facts, one party is clearly entitled to judgment and it is clear the plaintiff is entitled to judgment at this time

3 As stated in the filing(Plaintiff(s) 1st set of documents(The Complaint) , it shall be unlawful discriminatory practice for an employer or licensing agency, because of age, race, creed national origin, sexual orientation, military status, sex, disability, genetic predisposition or carrier status, or marital status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms and conditions or privileges of employment.

4 Almost everything stated in Item number/numeral 3 three is the very reason plaintiff is seeking remedy through the courts as the defendants didn't have any regard for the law and treated plaintiff inhumanely. They have done almost everything in item three to plaintiff.

5 Plaintiff was performing her job in a satisfactory manner before she was seeking compensation and then terminated. As we recall it was the defendant who filed the compensation case seven months late without evidence to get case denied to force the termination.

The reason the defendants counsel gave for the termination was that due to the merger plaintiffs position got terminated pending the compensation case. This was admitted to the courts prior to agreement for mediation.

Counsel for the defendants has not submitted one piece of document from plaintiffs employment file to prosecute this matter fully. I hope she is truthful enough to admit to the courts that this statement is true. How can we go forward without further proof. I am asking the courts at this time to please help me as I am in need of food and shelter.

Extra ordinary relief should be granted at this time.
Place where I am staying has no radiator for
Sincerely, heating and it is not showing as yet. time is
of the essence. The mental institution or hospital
Marcia S Oliver
Manua S Oliver 10/1/2009 should not be the
Answer.

Copies to White and Case LLP
1155 Avenue of the Americas
New York, NY 10036

It is a difficult time for me and the stress makes
me weak to the point where concentrating takes a
toll on me. to sit and type and execute docs almost
is impossible now for me.

* As part of Pro se release from the Hospital she
has to agree to take Haladol injections ^{monthly} given to her
by a medical team from the hospital. This will
keep her from having a relapse and end up
Permanently in ^{Psychiatric} hospital. on going release of medication
in the blood requires food and a secure place to stay
as meds alter ones condition.

Plaintiff was denied help from social service a
week ago.